IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7738 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

N J PATEL

Versus

DIST. SUPERINTENDENT OF POLICE

Appearance:

MR PM THAKKAR for Petitioner

MR RV DESAI FOR MR SP HASURKAR for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 18/08/2000

ORAL JUDGEMENT

Heard Ms. Sangita Pahwa, learned advocate appearing on behalf of the petitioner and Mr.R.V.Desai, AGP for Mr.S.P. Hasurkar on behalf of the respondents.

2. In the present petition, the petitioner has

challenged the order of suspension dated 14th October, 1991 which is at Annexure-E to the petition and also prayed in Para 17(B) for staying implementation, execution and operation of the impugned suspension order dated 14th October, 1991. This Court has issued RULE on 28th October, 1991 and granted interim relief in terms of para 17(B) after hearing the learned advocates for both the sides. The said order dated 28th October, 1991 was not challenged to the higher forum though, request was made before the learned Single Judge. Mr.R. V. Desai, learned AGP has produced on record the order of punishment dated 25th May, 1992 on record, wherein the respondent authority has imposed punishment on the petitioner by placing him in the original minimum pay scale in the post of Police Sub Inspector for a period of 2 years and it has been further held that the said period was treated as suspension by way of punishment. Considering this fact, subsequently after suspension order dated 14th October, 1991, the respondent authority has passed order of punishment on 25th May, 1992. Therefore, this petition has become infructuous and no order on merits is required to be passed and as a result, the petition is disposed of as become infructuous. However, in case of any difficulty, it at all arise in future, it is open to the petitioner to revive the petition on filing merely note in the Registry of this Court.

In view of this observation, the petition is disposed of as become infructuous. The order of punishment passed by the respondent authority dated 25th May, 1992 is kept on record. Rule discharged. Interim relief, if any shall stand vacated.

Date : 18-8-2000 [H. K. Rathod, J.]
#kailash#